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ABSTRACT

The extent to which public school students deserve First Amendment rights and the values and interests regarding public schooling that should limit student free speech are explored. Eight chapters are entitled: "Pursuing Excellence and Order"; "The Emergence of Children's Rights"; "Free Speech and Public Education"; "A Focused Balancing Alternative"; "Tolerating Student Speech"; "Assisting Student Expression"; "Access to Information and Ideas"; and "A Matter of Degree." The dual pursuits of academic excellence and classroom order often inflame conflicts between students and school officials, and may result in litigation. The public education, children's rights, and free speech literature provide the background for a discussion of the complexities of student free speech issues. The synthesis of this literature and examination of recent court decisions provide a framework for thinking about student free speech, along with specific guidelines for granting students First Amendment protection. Children require a healthy mix of protection and autonomy. It must also be recognized that the inculcative function, the transmission of values, plays a vital role in public schooling. The First Amendment should curb excesses of the inculcative function, but it should not unduly infringe on the legitimate and essential role of the transmission of values in public education. (SLD)

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